THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25838 OF 2005

Dated: 02-12-2005

Between

Yerrabolu Venkata Seshiah, S/o. Narasimhulu, Occ: Agriculture,
R/o. South Rajupalem Village, Nellore Rural Mandal, Nellore District.

...PETITIONER

AND

The Regional Joint Commissioner of Endowments, Multi Zone II, Tirupathi and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in not disposing of the stay application and the appeal filed by him against the order in D.Dis.No.A.1/4852/2004 dated 10.08.2005 and the consequential proposed action of the respondents 2 and 3 to dispossess the petitioner from land admeasuring Ac.2.00 in Sy.No.320 in South Rajupalem Village, Nellore Rural Mandal, Nellore District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner's father was a lessee in respect of Ac.2.00 wet land in Sy.No.320 situated in South Rajupalem Village, Nellore Rural Mandal, Nellore District belonging to the third respondent. After the death of the petitioner's father the petitioner is continuously paying the lease amount for the said land. While so, petitioner made a application before the second respondent stating that he is a landless poor and he is entitled to continue as lessee on the same terms and conditions. The second

respondent rejected the said application by proceedings dated 10.08.2005 and the same is said to have been communicated to the petitioner on 12.11.2005. Aggrieved by the same, petitioner filed an appeal before the first respondent along with a stay application. Even before any orders have been passed on the stay application and the appeal, the respondents 2 and 3 are threatening to dispossess the petitioner from the said land.

Having regard to the facts and circumstances of the case and

as the appeal is pending before the first respondent, there shall be stay of dispossession of the petitioner from the land admeasuring

Ac.2.00 cents in Sy.No.320 in South Rajupalem Village, Nellore Rural Mandal, Nellore District subject to the condition that the petitioner continues to deposit the lease amount in respect of the said land.

The first respondent is directed to consider and dispose of the appeal in accordance with law after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 2, 2005

Note: Furnish C.C. of the order by 05.12.2005

(**B/O**)

DSK